



Appeal Decision

Site visit made on 30 January 2007

by **Simon Rawle** BA (Hons) Dip TP MRTPI Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

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Date: 19 February 2007

Appeal Ref: APP/R1845/A/06/2028392

Land Adjacent to 96 Canterbury Road, Kidderminster, DY11 6DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D Bishop against the decision of Wyre Forest District Council.
- The application Ref 06/0661/FULL, dated 19 June 2006, was refused by notice dated 14 August 2006.
- The development proposed is one detached house and additional trees.

Decision

1. I dismiss the appeal.

Reasons

2. The main issues in this case are the impact that the proposal would have on the character and appearance of the area and whether it would have an unacceptable impact on highway safety. The development plan for the area includes the Regional Spatial Strategy (RPG 11), the Worcestershire County Structure Plan, adopted in 2001 and the Wyre Forest District Local Plan adopted in 2004.

Character and Appearance

3. The appeal site is located to the side of a row of shops and predominantly comprises verge and footpaths and there is a mature tree towards the rear of the plot. The appellant argues that the appeal site falls within the definition of previously developed land as it should be considered to be within the curtilage of the shopping parade and the existing paths should be considered to be associated fixed surface infrastructure. In deciding this matter I have considered three elements, the physical layout, ownership, and function. The appeal site immediately abuts the parade of shops, it is within the same ownership as the majority of the shops within the parade and in terms of function, it provides a green setting to the side of the shops and provides pedestrian access to the shops from the public footpath. As a result, I consider that the appeal site can be described as previously developed land.
4. That said, due to the fact that the appeal site does provide an effective and attractive softening green setting for the parade of shops and the green verge is continued along Shrewsbury Road, the appeal site makes an important contribution to the character and appearance of the area and is an existing feature of local value.
5. I note that Local Plan Policy H.2 sets out that residential development will generally be allowed. However, this is subject to complying with other Local Plan Policies. Amongst other things, Local Plan Policy D.3 advises that new development should have regard to local distinctiveness, should clearly relate to the appearance and character of its surroundings and where possible should avoid the loss of existing features of local value.

6. The proposal would result in additional planting to the front of the parade of shops and the existing mature tree would be replaced by additional trees within the garden of the proposed house. Whilst this would help to off set some of the harm it would not alter the fact that the introduction of the proposed dwelling would result in the loss of an existing feature of local value. The set back between the flank wall of the shops and Shrewsbury Road created by the appeal site is an important feature and creates a sense of spaciousness at this prominent corner location. The introduction of a house would create a development that would diminish the open character and which would unacceptably dominate the street scene.
7. I note that residential development has taken place at the other end of the parade of shops. However, this does not justify harmful development on the appeal site. I have also taken account of the fact that in accordance with Government advice, the proposal would make more efficient use of land by maximising the re-use of previously developed land. I also acknowledge that the proposal would maximise the use of a corner plot and would have appropriate regard to the common building line. Whilst these are factors that weigh in favour of the proposal they do not outweigh other important planning objectives, including the need to improve the quality and attractiveness of residential areas. To my mind, contrary to Local Plan Policies D.1 and D.3, the proposal would not complement the characteristics of the site and its surroundings and would erode the character and appearance of the area.
8. I therefore conclude that the proposed dwelling would result in a development that would cause demonstrable harm to the character and appearance of the area. Accordingly, the proposal conflicts with the objectives of the relevant development plan policies.

Highway Safety Matters

9. I turn now to consider the highway implications of the proposed development. Local Plan Policy TR.9 advises that proposal which would lead to the deterioration of highway safety will not be allowed.
10. The Council have expressed concern that the proposal would not provide adequate parking facilities and it would not provide adequate access to the proposed car parking space. I cannot agree. There is an existing access serving a number of properties located to the rear of the parade of shops. There is a car parking area to serve these properties. I observed at the site visit that there is adequate space to provide an additional car parking space of appropriate dimensions to serve the proposed dwelling. The existing access road is adequate to serve this additional parking space. Although at certain times there could be some conflict between vehicles using the access road and a lorry delivering goods to the shops, this would not cause such an unacceptable highway hazard as to justify dismissing the appeal. Consequently, the proposal would not conflict with the objectives of the relevant development plan policies that deal with highway safety matters.

Conclusions

11. I have concluded that the proposal would not have an adverse impact on highway safety. However, this matter is outweighed by the fact that the proposal would have a significant adverse impact on the character and appearance of the area. For this reason and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S.M Rawle

INSPECTOR